

REMARKS

Claims 13-16 are all the claims pending in the application.

In the last Office Action Claim 11 was rejected under 35 U.S.C. § 112, as being indefinite. Claims 10-12 inclusive were rejected under 35 U.S.C. § 102(b) as being anticipated by Novacek *et al.* (5,360,404).

Claims 10-12 inclusive have been canceled without prejudice in order to advance the prosecution of the present application and new Claims 13-16 inclusive have been substituted therefore. The newly submitted overcome the rejection under 35 U.S.C. § 112. New Claims 13-16 inclusive are believed to be patentable over Novecek *et al.* in view of the following remarks.

New Claim 13 specifically calls for the cannula being comprised of a hollow body having an outer surface formed with lateral teeth and the protection cap having an inner surface formed with complementary lateral teeth. Furthermore, the Claim specifically sets forth that the outer surface of the hollow body and the inner surface of the protection cap are both cylindrical and lateral teeth of the hollow body and cap are axially tapered. There is absolutely no disclosure or suggestion of such a specific construction in the patent to Novacek *et al.* In Novacek *et al.* the protection cap and the hollow body are conical with the teeth being formed at the ends of the members rather than on the outer surface of the hollow body and the inner surface of the protection cap. The patent to Novecek *et al.* relies on the radially outward displacement of the needle guard teeth when a predetermined torque is reached. As clearly set forth in Claim 13 of the present application the hollow body of the cannula is provided with lateral teeth on the outer surface and the protection cap is provided with complementary lateral teeth on the inner surface

Amendment Under 37 C.F.R. § 1.116
USSN 10/626,633
June 5, 2006

Group Art Unit 3761
Attorney Docket Q75566
Confirmation No. 9622

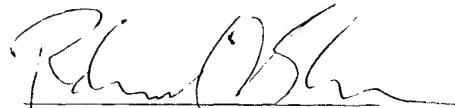
thereof so that upon reaching a predetermined torque there is a mutual disengagement by virtue of the axial displacement of the cap (2) away from the body (3) followed by sliding of the main surfaces of the teeth relative to one another. There is absolutely no teaching or suggestion of such an arrangement in Novacek *et al.*

In view of the foregoing distinctions it is submitted that Claims 13-16 are clearly patentable over the teachings of Novacek *et al.* Therefore, it is respectfully requested that these claims be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 5, 2006